



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Gray Davis
Governor

To: Interested Persons

From: Renee DeShazo
Environmental Scientist, Standards and TMDL Unit
California Regional Water Quality Control Board, Los Angeles Region

Date: December 6, 2002

Subject: Notice of Public Hearing for a proposed amendment to *the Water Quality Control Plan for the Los Angeles Region* to incorporate authorization for compliance schedules in NPDES Permits

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will consider a proposed amendment to the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) to incorporate authorization for compliance schedules in NPDES permits. The Regional Board is scheduled to consider this amendment at a public hearing on January 30, 2003. Additional regulations or policies, consistent with the general purpose of the proposed amendment and complementary to the proposal may be developed at the hearing as a logical outgrowth. The Regional Board will take action on the proposed amendment after hearing staff's presentation and public comments. The proposed amendment and staff report are available on the Regional Board's website at:

http://www.swrcb.ca.gov/~rwqcb4/html/meetings/tmdl/Basin_plan/basin_plan_amendment_tmdl.htm. If you would like the proposed amendment and staff report sent in hard copy, please call Sandra Kelley at (213) 576-6619 or fax your request to her attention at (213) 576-6686. Please contact Renee DeShazo at (213) 576-6783 if you have any questions.

Public Hearing
January 30, 2003 9:00 a.m.
Metropolitan Water District of Southern California, Board Room
700 North Alameda Street
Los Angeles, California

Written comments and exhibits must be submitted to the Regional Board no later than 5:00 p.m. on January 20, 2003. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, title 23, section 649.4).

Comments should be submitted to:

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street
Los Angeles, California 90013

ATTN: Jenny Newman

California Environmental Protection Agency

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All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing.

Background

Compliance schedules are a recognized and existing mechanism for ensuring compliance with effluent limitations established to achieve water quality standards adopted by the Regional Water Quality Control Board, State Water Resources Control Board or the U.S. Environmental Protection Agency. This mechanism, which is presently allowed in Waste Discharge Requirements (WDRs), has not been approved for inclusion in NPDES permits due to a lack of explicit authorization in the Basin Plan. In order to expand the options available to the Regional Board in its permitting functions, staff recommends that an amendment be adopted.

NPDES permits specify effluent limitations and other provisions that must be achieved to assure compliance with water quality standards for receiving waters. In some cases, immediate compliance with effluent limitations in NPDES permits may be infeasible. In particular, this may be the case if additional management measures must be implemented or physical controls (e.g., treatment facilities) constructed or upgraded in order to meet new, revised or newly interpreted water quality standards. In such situations, it is reasonable to consider a time schedule whereby compliance with the permit limitations is to be achieved.

Without language in the Basin Plan allowing for compliance schedules in NPDES permits, the Regional Board's only course of action has been to issue a companion enforcement order (i.e., Time Schedule Order). A permit-specified compliance schedule would provide an additional regulatory tool that could be used by the Regional Board when justified. It should be emphasized that this regulatory approach would not preclude public input and participation. Consideration of the terms and conditions of an NPDES permit, including any proposed compliance schedules, must occur at a public hearing. Further, the administrative and judicial remedies remain fully available to those who object to the Regional Board's issuance of such a permit.

The proposed amendment would allow compliance schedules in NPDES permits for effluent limitations that implement water quality standards adopted, revised or newly interpreted after the effective date of this Basin Plan amendment. The provision would require that compliance be achieved in the shortest possible period of time, but no longer than five years from the date of permit issuance, reissuance, or modification and no more than ten years after the adoption or interpretation of applicable standards. The amendment would also allow compliance schedules to implement TMDLs adopted as single permitting actions. In the case of a TMDL adopted as single permitting action, compliance schedules may extend beyond five years from the date of permit issuance, reissuance or modification, but must still be as short as possible as determined in the TMDL support document, and may only be used when implementing new, revised or newly interpreted water quality standards.

Enclosure:

Notice of Filing (pursuant to Section 21080.5 of the Public Resources Code)

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